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EXAMINER

LAM, VINH TANG

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,568	Applicant(s) HUCKEMANN ET AL.	
	Examiner VINH T. LAM	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 and 9-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8 and 13-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims **8** and **13-22** are rejected under 35 U.S.C. 102(b) as being anticipated by **Rosenberg et al. (US Patent No. 6147674)**.

Regarding Claim **8**, (Currently Amended) **Rosenberg et al.** teach a control device for displacing at least one machine element of a machine tool or production machine, said control device comprising:

a control element (user object **34** (i.e. joystick); Col. **10**, Ln. **30-31**, FIG. **1**) adapted to be deflected from a rest position (Col. **12**, Ln. **30-38**, FIG. **3**); means rendered responsive to a magnitude and duration of a deflection of the control element (Col. **13**, Ln. **54-57**, FIG. **3**) for generating a set value (i.e. degrees of freedom; Col. **9**, Ln. **19-25**) for a controller to move the machine element (Col. **14**, Ln. **32-40**, FIG. **4**); and

means for providing a pulse-shaped mechanical feedback to an operator (Col. **44**, Ln. **3-6**, FIG. **18**) when the set value generated by the control element is changed as a result of the deflection of the control element from the rest position or when the control element is held in a deflected steady state (Col. **44**, Ln. **47-56**, FIG. **18**).

Regarding Claim **13**, (Previously presented) **Rosenberg et al.** teach the control device of claim 8, wherein the set value is a position set value (Col. **9**, Ln. **19-23** , FIG. **4**).

Regarding Claim **14**, (Previously presented) **Rosenberg et al.** teach the control device of claim 8, wherein the set value is a speed set value (Col. **9**, Ln. **19-23** , FIG. **4**).

Regarding Claim **15**, (Previously presented) **Rosenberg et al.** teach the control device of claim 8, constructed as a member selected from the group consisting of joystick, joy-wheel, and computer mouse (Col. **11**, Ln. **9-14**, FIGs. **1**, **2a**, & **3**).

Regarding Claim **16**, (Previously presented) **Rosenberg et al.** teach the control device of claim 8, wherein a change in speed of the set value increases disproportionately with a magnitude of the deflection when a given deflection is exceeded (Col. **18**, Ln. **8-13** , FIG. **6**).

Regarding Claim **17**, (Currently amended) **Rosenberg et al.** teach the control device of claim 8, wherein the pulse-shaped mechanical feedback is electromagnetic (Col. **11**, Ln. **15-19** , FIGs. **2a** & **2b**).

Regarding Claim **18**, (Previously presented) **Rosenberg et al.** teach the control device of claim 8, further comprising a monitor screen, said control device being represented on the monitor screen in the form of a corresponding virtual handwheel (Col. **42**, Ln. **21-26** , FIG. **14**).

Regarding Claim **19**, (Currently amended) **Rosenberg et al.** teach the control device of claim 8, wherein the pulse- shaped mechanical feedback is provided to the operator for each change in the set value (Col. **44**, Ln. **2-13** , FIG. **18**).

Regarding Claim **20**, (Currently amended) **Rosenberg et al.** teach a control method for displacing at least one machine element of a machine tool or production machine, said control method comprising the steps of:

detecting a magnitude and duration of a deflection (Col. **13**, Ln. **54-57**, FIG. **3**) of a control element (user object **34** (i.e. joystick); Col. **10**, Ln. **30-31**, FIG. **1**) which is adapted to be deflected from a rest position (Col. **12**, Ln. **30-38**, FIG. **3**);

generating a set value (i.e. degrees of freedom; Col. **9**, Ln. **19-25**) for a controller to move the machine element representing in response to the magnitude and duration of the deflection of the control element (Col. **14**, Ln. **32-40**, FIG. **4**); and

providing a pulse-shaped mechanical feedback to an operator (Col. **44**, Ln. **3-6**, FIG. **18**) when the set value generated by the control element is changed as a result of the deflection of the control element from the rest position or when the control element is held in a deflected steady state (Col. **44**, Ln. **47-56**, FIG. **18**).

Regarding Claim **21**, (Previously presented) **Rosenberg et al.** teach the control method of claim 20, further comprising the step of representing the control element on a monitor screen as a corresponding virtual handwheel (Col. **42**, Ln. **21-26** , FIG. **14**).

Regarding Claim **22**, (Currently amended) **Rosenberg et al.** teach the control method of claim 20, wherein the pulse-shaped mechanical feedback is provided to an operator for each change in the set value (Col. **44**, Ln. **2-13** , FIG. **18**).

Response to Arguments/Amendments/Remarks

2. Claims **1 - 7** and **9 - 12** are cancelled.
3. The Examiner is greatly appreciated that the applicant alludes to the typographical error in the heading of claim rejection (correction made as shown in above rejection).
4. Applicant's arguments with respect to Claims **8** and **13-22** have been considered but are moot in view of the new ground(s) of rejection.
5. Applicant's arguments, see Page 7-8, filed 04/27/2009, with respect to Drawing and Specification Objections along with 35 U.S.C. § 112 1st ¶ Rejection have been fully considered and are persuasive. The Objections of Drawing and Specification along with the Rejection under 35 U.S.C. § 112 1st ¶ have been withdrawn.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH T. LAM whose telephone number is (571)270-3704. The examiner can normally be reached on M-F (7:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571) 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VTL/

/Amare Mengistu/
Supervisory Patent Examiner, Art Unit 2629